

SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS
FINAL MINUTES OF THE MEETING OF

May 20, 2005

Minutes of the Regular Meeting of the County Planning Department Hearings held in the San Luis Obispo County Planning and Building Department Conference Room, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by John Nall, Hearing Officer.

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of May 20, 2004, together with the maps and staff reports attached thereto and incorporated therein by reference.

PUBLIC COMMENT PERIOD:

Joe Schacherer, applicant, D030104P; questions permit procedure and timing for getting Coastal Commission approval. Hearing office explains the local and Coastal Commission appeals periods. Doug Timewell, applicant, DRC2004-00157, states he is looking for approval documentation on his project and at the suggestion of Stephanie Fuhs, Project Manager, presents a document for the record from the California Regional Water Quality Control Board dated April 29, 2005.

CONSENT AGENDA:

None

NON-HEARING ITEMS:

1. This being the time set for hearing to consider a request by **MAVIS GRIFFITH** for a Minor Use Permit/Coastal Development Permit to allow a 138 square foot cedar sunroom addition to the existing single-family residence. The project will result in the disturbance of approximately 140 square feet of a 12,051 square foot parcel. The proposed project is within the Residential-Single Family land use category and is located at 4751 Windsor Boulevard in the community of Cambria. The site is in the North Coast planning area. Also to be considered at the hearing is will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Geology and Soils, and Water. **County File Number DRC2003-00060**. APN: 013-325-014. Supervisorial District: 2. Date Accepted: January 6, 2005.

MINUTES:

Hearing Officer: John Nall

Staff: Murry Wilson

Thereafter, on motion of the hearing officer, the Negative Declaration is adopted, in compliance with applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and the Minor Use Permit/Coastal Development Permit is granted, based on Findings A through I in Exhibit A and subject to Conditions 1 through 16 in Exhibit B. (Document No. 2005-079)

2. This being the time set for hearing to consider a request by **JOSEPH CALLANAN** for a Minor Use Permit/Coastal Development Permit to allow the demolition of two existing structures on the project site and the construction of a new approximately 2,497 square foot single-family residence. The project will result in the disturbance of approximately 4,900 square feet of a 4,997 square foot parcel. The proposed project is within the Residential Single Family land use

category and is located at 14 Twelfth Street in the community of Cayucos, in the Estero planning area. This project is exempt under CEQA. **County File No.: DRC2004-00131.** APN: 064-222-010. Supervisorial District: 2. Date accepted: April 7, 2005.

MINUTES:

Hearing Officer: John Nall

Staff: Murry Wilson

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through J in Exhibit A and subject to Conditions 1 through 18 in Exhibit B. (Document No. 2005-080)

3. This being the time set for hearing to consider a request by **JOSEPH & JANET SCHACHERER** for a Minor Use Permit/Coastal Development Permit to demolish an existing 360 square foot garage and construct a new two story, single family residence of approximately 1,678 square feet and a 808 square foot attached garage/workshop on a lot with an existing 1,200 square foot residence. The project will result in the disturbance of approximately 3,600 square feet of a 6,000 square foot site. The project is within the Residential Multi Family land use category and is located 616 Coolidge Drive at the corner of Coolidge and Norswing Drives, approximately 200 feet west of Highway 1 (Pacific Boulevard) in the community of Oceano, in the San Luis Bay (Coastal) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Cultural Resources and Geology and Soils. **County File Number: D030104P.** APN: 061-112-011. Date Accepted: January 5, 2005. Supervisorial District: 4.

MINUTES:

Hearing Officer: John Nall

Staff: Marsha Lee

Other: Joseph Schacherer, applicant.

Thereafter, on motion of the hearing officer, the Negative Declaration is adopted in compliance with applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and the Minor Use Permit/Coastal Development Permit is granted, based on Findings A through H in Exhibit A and subject to Conditions 1 through 30 in Exhibit B. (Document No. 2005-081)

4. This being the time set for hearing to consider a request by **DOUGLAS TIMEWELL** for a Minor Use Permit to allow use of an existing 1,200 square foot building as a winery facility. The proposal does not include the use of off-site grapes, any tasting facilities or special events. The proposed project is within the Agriculture land use category and is located at 3850 Acre Wood Place, approximately seven miles east of the City of Arroyo Grande, in the Huasna-Lopez planning area. This project is exempt under CEQA. **County File No: DRC2004-00157.** APN: 048,251,019. Supervisorial District: 4. Date Accepted: February 28, 2005.

MINUTES:

Hearing Officer: John Nall

Staff: Stephanie Fuhs

Other: Douglas Timewell, applicant.

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through K in Exhibit A and subject to Conditions 1 through 19 in Exhibit B. (Document No. 2005-082)

5. This being the time set for hearing to consider a request by **BRAD GOODROW** for a Minor Use Permit to allow an outdoor storage yard. The project will result in the disturbance of approximately 40,000 square feet of the parcel. The proposed project is within the Industrial land use category and is located at 3160 La Cruz Way in the community of Templeton in the Salinas River planning area. This project is exempt under CEQA. **County File No: DRC2004-00022**. APN: 040-151-065. Supervisorial District #1. Date Accepted: 4/15/05.

MINUTES:

Hearing Officer: John Nall
Staff: Josh LeBombard

Thereafter, on motion of the hearing officer, the Minor Use Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 10 in Exhibit B (Document No. 2005-083)

6. This being the time set for hearing to consider a request by **TERRI BLAIR** for a Minor Use Permit to allow the temporary use of an existing pre-1976 mobile home. The project will result in no site disturbance to an existing 0.9 acre parcel. The proposed project is within the Rural Lands land use category and is located at 3888 Cuesta Springs Road approximately 5 miles southwest from Santa Margarita, in the Salinas River planning area. This project is exempt under CEQA. **County File No: D030005P**. APN Number: 073-321-010. Supervisorial District: 5. Date Accepted: January 12, 2005.

MINUTES:

Hearing Officer: John Nall
Staff: Lauren LaJoie

Thereafter, on motion of the hearing officer, the Minor Use Permit is granted based on Findings A through F in Exhibit A and subject to Conditions 1 through 11 in Exhibit B. (Document No. 2005-084)

HEARING ITEMS:

7. This being the time set for hearing to consider a request by **LEONARD KROKO AND TERRI BLAIR** for a Lot Line Adjustment to adjust the lot lines between 2 parcels of approximately 0.19 and 116 acres each. The adjustment will result in 2 parcels of approximately 5.8 and 110 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Rural Lands land use category and is located at 3888 Cuesta Springs Road approximately 5 miles southwest from Santa Margarita, in the Salinas River planning area. This project is exempt under CEQA. **County File No: COAL99-0184 (S990008L)**. APN's: 073-321-010 and -005. Date Accepted: April 13, 2000. Supervisorial District: 5.

MINUTES:

Hearing Officer: John Nall
Staff: Lauren LaJoie
Other: Leonard Kroko, owner; Lyle and Terri Nighswonger, owners; Tim Crawford, agent.

Hearing Officer presents project.

Lauren LaJoie, staff, states she has no comments.

Tim Crawford, agent, states he is in full agreement with all requirements.

Thereafter, on motion of the hearing officer, the Lot Line Adjustment is granted based on Findings A through D in Exhibit A and subject to Conditions 1 through 10 in Exhibit B. (Document No. 2005-085)

8. This being the time set for hearing to consider a request by **MARILYN MADDOX** for a Minor Use Permit to allow a remodel of existing tack room, office, and hay storage; hay storage area to remain on bottom floor and a proposed one bedroom on the top floor. The project will not result in any soil disturbance of a 40.46-acre parcel. The proposed project is within the Agriculture Land Use Category and is located at 555 Saint Remy Place 2.8 miles from Lopez Lake along High Mountain Road near Arroyo Grande, in the Huasna-Lopez Planning Area. This project is exempt under CEQA. APN: 085-136-003. **County File No: DRC2004-00213.** Supervisorial District: 4. Date accepted: April 7, 2005.

MINUTES:

Hearing Officer: John Nall

Staff: Andrea Miller

Other: Marilyn Maddox, applicant; Gordon and Sue Thomas, neighbors; John Claudy, Chairman of Ranchita Estates Architectural Review Committee; Carolyn Claudy, Secretary of Ranchita Estates Home Owners' Board of Directors; Martin Scott, President of Ranchita Estates Home Owners' Association; Peggy Scott, spouse of Martin Scott.

Andrea Miller, staff, presents project. Discusses Findings in Exhibit A. States staff is recommending approval of the project. Discusses aerial photos, and distances from related property lines indicated on the site plan. Discusses changing Condition #1 regarding distance of the guesthouse from the existing primary residence. Describes changes to the proposed plans that have already been signed off by the county.

Marilyn Maddox, applicant, presents a diagram of the proposed building envelope for the record and reads a document showing project timeline of events to-date. States she has complied with all requests from the Ranchita Estates Home Owners' Association. Discusses previous barn plans and design, and prior discussions with Gordon Thomas.

John Claudy, Secretary, Ranchita Home Owners' Board of Directors, states he has not seen the information presented by Marilyn Maddox prior to today. States the Ranchita Architectural Review Committee members previously voted against this project. Discusses staff report and conditions of compliance and items of correspondence between Marilyn Maddox and the Ranchita Estates Home Owners' Association Architectural Review Committee. States the objections of the Ranchita Estates Home Owners' Association are: 1) there are no other structures that are as close to the property line as the proposed project; 2) there is a private riding trail located on the side of the Thomas property line; 3) there are concerns of intrusion of privacy to the Thomas residence. States the Ranchita Estates Home Owners' Association members are asking for a one story building no closer than 25 feet to the Thomas property line. Asks the hearing officer about the applicant's legal right to violate the CC&R's. Asks about a proposed stairway and whether it is included in the total square footage of the proposed project.

Sue Thomas, neighbor, comments on previous building requirements of the Ranchita Estates Home Owners' Association with which she had to comply.

Martin Scott, neighbor, comments on previous building requirements of the Ranchita Estates Home Owners' Association with which he had to comply.

Caroyln Claudy, Secretary of the Ranchita Estates Homeowners' Association, asks about county setback requirements and requests non-removal of a condition that requires the applicant go through a well-documented process through the Ranchita Home Owners' Association prior to permit processing.

Hearing Officer explains how county requirements help prevent neighborhoods from sprawl and clutter effect. Explains county setback requirements. States he is going to add a condition that will require applicant to present plans to the Ranchita Estates Home Owners' Association prior to permit processing. Addresses concerns previously voiced by John Claudy: 1) states as long as the project meets the legal setback of 25 feet, it is allowable; 2) regarding intrusion of privacy – states the County does not protect private views; and 3) states the County has no requirements that would put the riding trail any further away from the Thomas residence. Hearing officer states to Ms. Maddox the importance of her abiding by the CC&R's of the Ranchita Estates Home Owners' Association. States the county cannot get involved with the Ranchita Home Owners' Association, and that the revised plans will be reviewed by the county.

Thereafter, on motion of the hearing officer, the Minor Use Permit is granted based on Findings A through G in Exhibit A with changes to Finding A to read: *"The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303(a) because it is a secondary dwelling in a residential area."* and changes to Finding F to read: *"The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located along Saint Remy, a private road, paved and constructed to a level able to handle any additional traffic associated with the project."* and subject to Conditions 1 through 11 in Exhibit B, with changes to Condition 1 to read: "This approval authorizes the use of a guesthouse to be located no further than 120 feet from the existing primary residence." and addition of Condition 12 to read: *"Prior to issuance of building permit, the applicant shall provide evidence to the County Planning and Building Department that she has submitted proposed plans to the Ranchita Estates Home Owners' Association Architectural Review Committee for their review. The plans shall be identical to the plans submitted to the Building Department for purposes of permit issuance."* (Document No. 2005-086)

9. This being the time set for hearing to consider proposal by **JAMES COLEMAN** for a Minor Use Permit, to allow a waiver of the 50 foot distance standards to construct an 800 square foot secondary dwelling and a 1,200 square foot garage which is located 100 feet from the main residence. The project will result in minimal disturbance on a 2.5 acre parcel in the Residential Suburban Land Use Category. The property is located in the county at 270 Quail Hill Lane, approximately 1,000 feet north of Noyes Road, east of the city of Arroyo Grande, in the San Luis Bay (Inland) Planning Area. This project is exempt under CEQA. **County File No: DRC2004-00073.** APN: 044-360-029. Supervisorial District # 3. Date Accepted: February 1, 2005.

MINUTES:

Hearing Officer: John Nall

Staff: Erin Carr

Other: James Coleman, applicant.

Erin Carr, staff, presents project. Recommends approval.

James Coleman, applicant, states he has no comments.

Thereafter, on motion of the hearing officer, the Minor Use Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 10 in Exhibit B. (Document No. 2005-087)

10. This being the time set for continued hearing to consider a request by **JAMES J. PERRY** for a Minor Use Permit to allow a second residential dwelling. The project will result in the disturbance of approximately 4,500 square feet of a 10.54 acre parcel. The applicant is also requesting a waiver of the requirement that for sites less than 20 acres in the Residential Rural category, the secondary dwelling should be located within 250 feet of the primary dwelling and is proposing to place the second residential dwelling approximately 1,900 feet from the primary dwelling. The proposed project is within the Residential Rural land use category and is located at 2250 Four Paws Way approximately three miles south east of the city of Paso Robles. The site is in the El Pomar- Estrella planning area. This project is exempt under CEQA. **County File No: DRC2004-00144**. APN:035-091-031. Supervisorial District: No.1. Date Accepted: March 3, 2005.

MINUTES:

Hearing Officer: John Nall

Staff: Nick Forester

Others: Gary Foster, representative for James Perry; Harry James, neighbor.

Nick Forester, staff, presents project. Recommends approval.

Gary Foster, agent for James Perry, states he and Harry James, neighbor, have worked out differences regarding view protection. States they discussed the proposed project sketch further and have reached accord. States James Perry, applicant, is very sympathetic to the neighbors' concerns and will take all necessary measures to protect the view. States he has suggested to James Perry to move his project closer to the road to add distance from a neighbor's house. He asks the hearing officer whether Mr. Perry can amend conditions of approval at a later date and questions the allowability of a garage being built in the future.

Harry James states he is very agreeable with Gary Foster. States he had been concerned with the view remaining in tact. States after speaking with Mr. Foster, the matter is no longer a concern. Discusses proposed project plans further. States he is agreeable to changes to the conditions.

Hearing officer states the county does not protect private views. States there are restrictions on secondary units and size. Discusses proposed project dimensions and site plan. Discusses conditions and possibility of including and/or changing requirements for set back of house being changed to read "...no less than 75 feet from the eastern property line and location of the front setback requirements to be set at 35' from the road."

There is further discussion.

Therefore, on motion of the hearing officer, the Minor Use Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 13 in Exhibit B, with the addition of Condition

1c to read: *“The proposed secondary residence shall be located a minimum of 75 ft from the easterly property line and the front setback shall be at 35ft.”* (Document No. 2005-088)

There being no further business to discuss, the hearing is adjourned.

Respectfully submitted,
Mary Velarde, Secretary
Planning Department Hearings